

REMARKS

In the Office Action,¹ the Examiner rejected claims 1-15 under 35 U.S.C. § 112, second paragraph; and rejected claims 1-15 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,914,701 to Gersheneld et al. ("*Gersheneld*").

By this Amendment, Applicant has amended claims 1, 4, 5, 7, 8, 11, 14, and 15. The amendments to the claims are fully supported by the original disclosure. See e.g., specification, p. 21, ll. 3-14, p. 23, ll. 17-20, and FIG. 8. Applicant respectfully traverses the rejection and requests reconsideration and allowance of the pending claims for at least the following reasons.

Rejection of Claims 1-15 under 35 U.S.C. § 112, Second Paragraph

Applicant respectfully traverses the rejection of claims 1-15 under 35 U.S.C. § 112, second paragraph. However, solely to advance prosecution, Applicant has amended claims 1, 4, 5, 7, 8, 11, 14, and 15 to address the Examiner's concerns. Applicant respectfully submits that claims 1-15 are definite and requests that the Examiner reconsider and withdraw the rejection of claims 1-15 under 35 U.S.C. § 112, second paragraph.

Rejection of Claims 1-15 under 35 U.S.C. § 102(b)

Applicant respectfully traverses the rejection of claims 1-15 under 35 U.S.C. § 102(b) as being anticipated by *Gersheneld*. In order to properly establish that *Gersheneld* anticipates Applicant's claimed invention under 35 U.S.C. § 102, each

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). *Gersheneld* does not disclose each and every element of the claims.

Independent claim 1, as amended, recites a combination including, for example, “a [] pair of electrodes configured to detect electric field strength.” *Gersheneld* fails to teach at least this element.

In a Supplemental Amendment filed January 6, 2011, Applicant amended claim 1 to further recite “a [] pair of electrodes for detecting electric field strength,” and explained why *Gersheneld* fails to teach this element. In a Response to Arguments section of the outstanding Office Action, the Examiner asserted that such a recitation “is intended use-type language” and suggested that Applicant “amend[] the claim to read ‘electrodes configured to detect electric field strength’.” Office Action, p. 12. Without acquiescing to the Examiner's assertion and to advance prosecution, Applicant has amended claim 1 as suggested by the Examiner. Applicant respectfully submits that this amendment is also supported by the specification at, for example, p. 21, ll. 3-14, p. 23, ll. 17-20, and FIG. 8. For at least the reasons discussed above, claim 1 is allowable.

Independent claims 8, 14, and 15 although different in scope from independent claim 1, recite elements similar to claim 1. Therefore, for reasons similar to those

discussed above with respect to claim 1, claims 8, 14, and 15 are allowable. Claims 2-7 and 9-13 are also allowable at least by virtue of their dependence from claim 1.

Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 1-15 under 35 U.S.C. § 102(b).

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account no. 06-0916.

Respectfully submitted,

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